

Action Summary Minutes
San Joaquin Valley Unified Air Pollution Control District

ENVIRONMENTAL JUSTICE ADVISORY GROUP (EJAG)

Central Region Office, Governing Board Room
1990 E. Gettysburg Avenue, Fresno, CA

Tuesday, May 24, 2011
5:30 p.m.

The Environmental Justice Advisory Group Meeting was held via video teleconference (VTC): Central Region Office, Governing Board Room, 1990 E. Gettysburg Avenue, Fresno, the Southern Region Office, VTC Room, 34946 Flyover Court, Bakersfield and the Northern Region Office, VTC Room, 4800 Enterprise Way, Modesto

1. CALL TO ORDER – The meeting was called to order at 5:37 p.m.
2. ROLL CALL – was taken and a quorum was present.

County	Member Name/Interest Group	Location
Kern	Linda MacKay, At-large Rep.	South
Kern	Marvin Dean, Business Owner	South
Fresno	*Sandra Celedón-Castro, At-large Rep.	Central
Stanislaus	Pamela Neronha, At-large Rep.	North
Tulare	Derek Williams, At-large Rep.	Central
Tulare	Ed Needham, CAC-Industry/Ag (Alternate)	Central
Tulare	*Mike Santana, CAC-City (Primary)	Central
San Joaquin	Jeremy Terhune, At-Large Rep.	North
Kings	Riley Jones, CAC-Industry/Ag (Primary)	Central

*Arrived at 5:45 p.m..

Staff present in Central Region Office (Fresno) – Rick McVaigh, Deputy APCO; Errol Villegas, Program Manager, Strategies & Incentives Department; Maricela Velasquez, Senior Public Information Representative; Claudia Encinas, Bilingual Public Information Representative.

Staff present in Southern Region Office (Bakersfield) – Brenda Turner, Public Information Representative.

Staff present in Northern Region Office (Modesto) – Anthony Presto, Public Information Representative.

Members of the public present – Jonathan Homrighausen

3. APPROVE MINUTES OF TUESDAY, April 26, 2011 – Regarding page 4, item 8, Mr. Williams said he has been in contact with ARB concerning the information on how cap-and-trade would affect energy costs to the consumer and was informed ARB is in the process of putting the information together for EJAG. He will follow-up with ARB to see if ARB could either provide a presentation during the next EJAG meeting or if not, provide the materials for the next meeting.

Moved: Dean
Seconded: Terhune
Ayes: MacKay, Terhune, Neronha, Williams
Nays: None
Abstain: Dean, Jones

Motion carried 4-0, with 2 abstentions, to approve the Minutes of April 26, 2011.

4. PUBLIC COMMENTS (FIRST OPPORTUNITY) – Jonathan Homrighausen.
5. CHAIR COMMENTS – Ms. MacKay requested mileage sheets be made available during EJAG meetings in order for EJAG members to fill them out and turn them in during the meeting.

Ms. MacKay opened the discussion for EJAG member comments concerning EJAG becoming its own stand-alone committee, which was an item she requested to be placed on this month's agenda. Mr. Dean described a proposal from the EJAG/CAC collaboration effort that will allow EJAG to present matters rejected by the CAC to the Governing Board. Mr. Williams suggested if an EJAG member feels strongly about an issue, that member also could attend a Governing Board meeting and, as a member of the public, comment during the public comment period. He said a lot has been accomplished between CAC and EJAG through the collaboration session and he expressed concern this topic would affect EJAG negatively. Ms. Neronha agreed with Mr. Williams' comments, and said EJAG needs to move forward and deal with EJ issues. She stated EJAG should try and set aside past experiences that separated both groups (CAC and EJAG) and continue with the momentum that was generated during the collaboration session. Mr. Terhune said that although he understands Ms. MacKay's concerns, EJAG members need to communicate better with each other and start moving forward on EJAG issues.

Ms. Mackay announced that due to personal matters, she is resigning her position as chair of EJAG and this evening would be her last meeting.

Ms. Celedón-Castro arrived at 5:45 p.m.
Mr. Santana arrived at 5:45 p.m.

6. APCO/DEPUTY APCO COMMENTS – Mr. McVaigh thanked Ms. MacKay for her service to EJAG.

Mr. McVaigh said the following EJAG positions are open and need to be filled:

- Ethnic, small-business owner
- Kings County At-large representative
- Madera At-large representative
- Kern County At-large representative

Additionally, the following CAC members have been appointed to serve on EJAG as alternates:

- Ed Needham, Industry/Ag Interest Group, Tulare; alternate for Mr. Jones
- Dennis Tristao, City Interest Group, Kings; alternate for Mr. Santana

Mr. McVaigh said the District will proceed with actively recruiting individuals for the open positions and requested EJAG members provide Ms. Velasquez's information to residents of those counties who may be interested serving on EJAG.

7. GRANT COMMITTEE NOMINATIONS – Mr. Williams said Mr. McVaigh had advised that Todd DeYoung, Grants Program Manager, Strategies and Incentives Department, will be the District liaison for this committee. The following EJAG members volunteered to serve on the committee:

- Mr. Williams
- Mr. Jones
- Ms. Celedón-Castro
- Mr. Dean

After discussion, it was decided to place this on the next month's agenda as an action item to provide an opportunity for those EJAG members not in attendance during this meeting to volunteer to serve on the grant sub-committee.

Mr. Dean commended Mr. Williams for his efforts in establishing this committee and suggested Mr. Williams serve as chair of the sub-committee. Mr. Jones also recognized Mr. Williams's organizational abilities; however, due to the early discussion this evening (during the Chair comments) and previous matters concerning EJAG and the CAC, he suggested EJAG should control this important committee, and not someone who is also a representative of the CAC. Mr. Dean said he had confidence that would not be an issue, and Mr. Williams said he is pro EJAG and the sub-committee members would vote on the chair during the first meeting.

Mr. Dean motioned to approve the members who have agreed to serve on the sub-committee and for this item to be placed on next month's agenda as an action item, in order to allow the members not present during this meeting to volunteer to also serve on the committee. Additionally, a meeting date could be established and a chair selected. Mr. Williams revised the motion as follows: matter to be placed on next month's agenda as an action item in order to formalize the selection of those who have volunteered during this meeting, as well as approve EJAG members who may volunteer during the June 28, 2011 meeting and also establish a meeting date.

Moved: Dean
Seconded: Neronha
Ayes: MacKay, Terhune, Neronha, Williams, Dean, Santana,
Jones, Celedón-Castro
Nays: None
Abstain: None

Motion unanimously passes to place this item on the June EJAG agenda in order to formalize the selection of members who will serve on the sub-committee and establish a meeting date.

8. FUTURE EJAG MEETING TIME LIMITS – Mr. Williams said he was informed that Mr. Hamilton's suggestion was for EJAG to return to a two hour meeting, with the meeting beginning at 5 p.m. Mr. Williams said he felt 5 p.m. was too early; however, EJAG had previously discussed returning to a two hour meeting, from 5:30 – 7:30 p.m., with ad-hoc committees meeting one hour before the EJAG meeting, from 4:30 – 5:30 p.m.

Mr. Dean said if the meetings were well-organized and streamlined, EJAG should be able to accomplish items on an agenda within two hours. Mr. Santana agreed with Mr. Dean's comment. Mr. Jones also agreed and said the 3 minute time limit should be adhered to for public comments. Mr. Jones then motioned the meetings be moved to 5:30 - 7:30 p.m.

Moved: Jones
Seconded: Dean
Ayes: Neronha, Terhune, Williams, Dean, Santana, Jones,
Celedón-Castro
Nays: None
Abstain: MacKay

Motion carried 7-0, with 1 abstention, for EJAG meetings to have a 2 hour time limit and meet from 5:30 to 7:30 p.m.

9. CAP-AND-TRADE LAWSUIT PRESENTATION – Ms. MacKay said Brent Newell, General Counsel for the Center on Race, Poverty and the Environment, could not

attend this evening's meeting to provide a presentation; however, she emailed EJAG members a handout on the cap-and-trade lawsuit. She also said if anyone has questions for Mr. Newell, the questions could be directed to her and she would forward them to Mr. Newell.

Mr. Dean requested an overview be provided on this matter. Ms. MacKay said she did not feel comfortable presenting the information herself. Mr. Dean asked if District staff could provide an overview. Mr. McVaigh provided a brief overview of cap-and-trade and the lawsuit by Citizens for Race Poverty and the Environment.

Mr. Williams said if cap-and-trade goes through, it could be beneficial for agriculture, but possibly detrimental for the environment, as agriculture could generate a lot of credits based on the trees that they have and those credits could be sold to refineries, which could then affect EJ communities.

Ms. MacKay said Mr. Dean asked her if Mr. Newell could attend an EJAG meeting and provide further information. She said she could contact Mr. Newell and inquire if he could attend a future EJAG meeting. Mr. McVaigh said the District could offer the same opportunity for ARB to present information at a future meeting if Mr. Newell or another representative from the Citizens for Race, Poverty and the Environment were able to attend an EJAG meeting.

10. RULES UNDER DEVELOPMENT – Errol Villegas, Program Manager, Strategies & Incentives Department, provided an overview of the information provided in the Rules Under Development handout provided to EJAG members.

Mr. Santana asked why the District took over Rule 2410 from EPA and asked what the cost would be for taxpayers. Mr. McVaigh explained the EPA in Region 9 in San Francisco has handled this type of permitting in the past; however, more projects are now subject to obtaining these types of permits, which apply to very large, new facilities (i.e. power plants or major expansions at oil fields), and because of the number of increased projects, EPA feels less confident regarding handling the permitting workload in a timely manner. EPA, therefore, has requested the District to do the actual permitting work, with EPA acting as an oversight agency.

Mr. McVaigh said before the District took delegation, the District checked with the public and affected industry through workshops and received feedback that affected industries would prefer the District take over rather than experience delays for one or two years before they could acquire permits from the EPA due to potential backlogs. He said the District has 50 engineers trained to do this type of work.

Regarding the cost, Mr. McVaigh said the District would recover its cost of doing the work from the applicant during the application process and there would not

be any net impact on taxpayers; however, there could potentially be a positive impact on taxpayers, as the District could process these permits in a very streamlined, efficient manner. This would result in permits issued quicker, which would allow facilities that meet all the requirements to start operating, employing people and producing products.

11. HEALTH RISK-BASED APPROACH – Mr. McVaigh said this item remaining as a standing agenda item for both CAC and EJAG was discussed during the CAC/EJAG collaboration meeting. He then proposed updates for this item to be placed on the agenda for next month.

Ms. MacKay said she felt EJAG needs a clear understanding of both approaches – Health-Risk Based and Massed-Based. Mr. McVaigh said that is what the agenda item is intended to provide, and after obtaining an understanding, EJAG could provide input on the development of the strategy.

Mr. Williams said he has received negative feedback from EJ communities regarding the \$12 DMV fee. Regarding the Massed-Based approach, Mr. Williams said he is concerned with the broad-brush effect resulting in huge fines associated to non-compliance, which would then monetarily affect communities, including EJ communities, which can least afford to pay for those fines. He said he is in favor of EJAG receiving ongoing updates on both approaches as new information becomes available

12. CAC / EJAG COLLABORATION ACTION PLAN – Ms. MacKay said she did not have anything to report, as the last meeting was two months ago. Mr. Williams suggested this item be placed on the EJAG agenda every other month or every third month.
13. EJ MAPS (IF ANY UPDATES) – No update.
14. JUNE EJAG MEETING AGENDA ITEMS – The following items were suggested to be placed on the next agenda:
- Finalize the Grant sub-committee
 - Possible presentation by ARB on the effect of cap-and trade on agriculture and EJ communities
 - Elect Vice-chair
15. PUBLIC COMMENTS (SECOND OPPORTUNITY) – None.
16. EJAG MEMBER COMMENTS – Mr. Dean suggested Ms. MacKay to reconsider her resignation and he requested she keep involved by attending EJAG meetings.

Mr. Dean requested an update at the next EJAG meeting regarding the federal pilot program that could result in more grant funding or support for Fresno, which was discussed during the March 22, 2011 EJAG meeting (during the APCO/Deputy APCO Comments). Mr. McVaigh said Tom Jordan, Senior Policy Advisor, could follow-up on that program.

Mr. Dean also requested an update on the VRRRM program. He requested to know how many vouchers were issued, how many cars have been repaired, and how many vouchers that were issued were not used. He also asked if there was an aspect to the program that allowed registered owners to receive money to junk their vehicle rather than repair it.

Regarding the Grant sub-committee, Mr. Dean provided suggestions of what the committee could work on, which included using some of the grant money for outreach to promote EJ issues and to involve EJ community members. Ms. Neronha said most of Mr. Dean's suggestions were incorporated into EJAG's 2011 goals and objectives, such as using the money to get input from EJ communities and recruiting from the grass roots.

Mr. Williams thanked Mr. Dean for his outreach efforts and Ms. MacKay for her service on EJAG. Mr. Dean expressed appreciation to Mr. Williams for making time to speak at different events on behalf of EJAG.

Mr. Terhune asked when EJAG would see the final draft of EJAG's 2011 goals and objectives. Mr. McVaigh said the District will send the goals and objectives out and request the APCO's input by next month's meeting, in order for the goals and objectives to be finalized.

Mr. Terhune said he and Ms. Neronha are developing a list of every air quality organization in the northern San Joaquin Valley in order to meet with those organizations to discuss engaging EJAG.

17. EJAG MEMBER SUGGESTIONS TO BE INCLUDED IN THE PRESENTATION OF THE EJAG REPORT DURING THE CAC MEETING ON TUESDAY, JUNE 7, 2011 – No discussion.
19. VOLUNTEER TO PRESENT EJAG REPORT DURING CAC MEETING, TUESDAY, JUNE 7, 2011 AT 10:00 A.M. – Ms. Celedón-Castro said she has a meeting prior to the CAC meeting; however, she would try to make it in time to make the presentation. Mr. Williams said if she was unable to attend the meeting in time, he would give the report.

ADJOURN

Meeting adjourned at 7:15 p.m.

*SJVUAPCD Environmental Justice Advisory Group
ACTION SUMMARY MINUTES
May 24, 2011*

NEXT MEETING – The next EJAG meeting is scheduled for Tuesday, June 28, 2011, at 5:30 p.m. Meeting held via video teleconference (VTC), with the Central Region Office (Fresno), the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield) participating.